



Malpractice and Maladministration Policy

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SCOPE

1. This policy is aimed at approved Centres and their learners, who are delivering/registered on a regulated or non-regulated qualification(s) or unit(s). It is used by staff to ensure they deal with all malpractice or maladministration in a consistent manner.

OFQUAL GENERAL CONDITIONS

2. A8.1: An awarding organisation must take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and award of qualifications which it makes available or proposes to make available.
3. A8.2: Where any such malpractice or maladministration is suspected by an awarding organisation or alleged by any other person, and where there are reasonable grounds for that suspicion or allegation, the awarding organisation must – (a) so far as possible, establish whether or not the malpractice or maladministration has occurred, and (b) promptly take all reasonable steps to prevent any Adverse Effect to which it may give rise and, where any such Adverse Effect occurs, mitigate it as far as possible and correct it.
4. A8.3: For the purposes of this condition, an awarding organisation must – (a) establish and maintain, and at all times comply with, up to date written procedures for the investigation of suspected or alleged malpractice or maladministration, and (b) ensure that such investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome.
5. A8.4: Where a Centre undertakes any part of the delivery of a qualification which an awarding organisation makes available, the awarding organisation must take all reasonable steps to keep under review the arrangements put in place by that Centre for preventing and investigating malpractice and maladministration.
6. A8.5: An awarding organisation must, following a request from such a Centre, provide guidance to the Centre as to how best to prevent, investigate, and deal with malpractice and maladministration.
7. A8.6: Where an awarding organisation establishes that any malpractice or maladministration has occurred in the development, delivery or award of qualifications which it makes available, or proposes to make available, it must promptly take all reasonable steps to- (a) prevent that malpractice or maladministration from recurring, and (b) take action against those responsible which is proportionate to the gravity and scope of the occurrence, or seek the cooperation of third parties in taking such action.
8. A8.7: Where an awarding organisation has any cause to believe that an occurrence of malpractice or maladministration, or any connected occurrence – (a) may affect a Centre undertaking any part of the delivery of a qualification which an awarding organisation makes available, it must inform that Centre, and (b) may affect another awarding organisation, it must inform that awarding organisation.
9. B3.2: For the purposes of this condition, such events may in particular include those where – (a) there is a substantial error in the awarding organisation's assessment materials, (b) there has been a loss or theft of, or a breach of confidentiality in, any assessment materials, (c) the awarding organisation cannot supply assessment materials for a scheduled assessment date, (d) there has been a failure in

the delivery of an assessment which threatens Assessors' ability to differentiate accurately and consistently between the levels of attainment demonstrated by Learners, (e) the awarding organisation will be unable to meet a published date for the issue of results or the award of a qualification, (f) the awarding organisation has issued incorrect results or certificates, (g) the awarding organisation believes that there has been an incident of malpractice or maladministration, which could either invalidate the award of a qualification which it makes available or could affect another awarding organisation, (h) the awarding organisation has (for any reason, whether inside or outside its control) incurred an increase in costs which it anticipates will result in an increase in its fees of significantly more than the rate of inflation

SQA ACCREDITATION PRINCIPLES

10. Principle 14. The awarding body and its providers shall ensure that it has safeguards to prevent and manage cases of malpractice and maladministration.

RESPONSIBILITIES

11. This is policy is for qualifications offered by Smart Awards. This policy is for centres and learners accessing Smart Awards qualifications and related services and all those involved with the development, delivery and quality assurance of Smart Awards qualifications. Smart Awards has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it. Smart Awards has the day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness and dealing with any queries on its interpretation.

R	Responsibilities	The person who actually carries out the process or task. The person is responsible for action/implementation. Responsibilities can be shared											
A	Accountabilities	The person who is ultimately accountable for the process or task being completed and who has the authority to make decisions, yes or no authority and veto power. Responsible person (s) are accountable to this person. Only one A can be assigned to a task											
C	Consulted	The person to be consulted prior to a final decision or action (two-way communication). People who are not directly involved with carrying out the task but are consulted with.											
I	Informed	Anyone whose work depends on the process or task and who has to be updated about the progress after a decision or action has been taken (one-way communication).											
POLICIES		BOARD	CEO	MD	OPS DIRECTOR	QUALITY PORTFOLIO MANAGER	STANDARDS COMPLIANCE OFFICER	QUAL ADMIN OFFICER	IT CONSULT	FINANCE AUDITOR	EQA	NOPS BOARD	CENTRES
Awarding Policies and Process													
Malpractice/maladministration		A	R	R	R	R	R	R	I	I	R	C	R
ASSOCIATED POLICIES													
Risk management													
Adverse effects													
Fraud													
Bribery and Corruption													
Complaints													
Centre recognition													
Centre monitoring													
Holiday/Sickness Cover													
The MD, CEO and Operations Director cover holiday/sickness and absenteeism for areas where the person is responsible for action/implementation of a task. The MD, CEO and Operations Director hold company wide experience to be able to carry out these tasks and hold no conflicts of interest.													

12. It is important that Centre staff involved in the management, assessment and quality assurance of regulated and non-regulated qualification(s) or unit(s) and all registered learners, are fully informed of the contents of the policy. Centres will need to have in place arrangements to prevent and investigate instances of malpractice and maladministration.
13. Any failure to report suspected or actual malpractice and maladministration cases or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on Centres.
14. A Centre's compliance with this policy and how it takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration will be reviewed by Smart Awards periodically through the ongoing Centre monitoring arrangements.
15. Should an investigation be undertaken within a Centre, the Centre Manager must:
- Ensure the investigation is carried out by competent investigators who have no personal involvement in the incident or interest in the outcomes.
 - Ensure the investigation is carried out in an effective, prompt, and thorough manner and that the investigator(s) look beyond the immediate reported issues to assure Smart Awards that arrangements at the Centre are appropriate for all qualifications and courses.
 - Respond speedily and openly to all requests relating to the allegations and/or investigation.
 - Ensure their staff cooperate fully with any investigation and/or request for information.

REVIEW ARRANGEMENTS

16. Smart Awards will review the policy annually as part of the self-evaluation arrangement and revise it as and when necessary in response to Centre and learner feedback, changes in internal practices, actions from the regulatory authorities or external agencies or changes in legislation.
17. In addition, this policy may be updated considering operational feedback to ensure the arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

DEFINITION OF MALPRACTICE

18. Malpractice is defined as any deliberate activity, neglect, default, or other practice that compromises the integrity of the internal and external assessment and quality assurance process, and/or the validity of awards. It covers any deliberate actions, neglect, default, or other practice that compromises, or could compromise:
- The assessment process.
 - The integrity of a regulated qualification.
 - The validity of a result or certificate.
 - The reputation and credibility of Smart Awards regulated and non-regulated qualifications.
19. Malpractice may include a range of issues from the failure to maintain appropriate records or systems to the deliberate falsification of records to claim certificates or cards. For this policy, this term also covers misconduct and forms of unnecessary discrimination or bias towards certain groups of learners.

EXAMPLES OF CENTRE MALPRACTICE

20. The categories listed below are examples of Centre malpractice. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice:

- Failure to satisfactorily meet the conditions of Centre recognition within an agreed timescale.
- Denial of access to resources (premises, records, information, learners, and staff) for any authorised Smart Awards representative and/or the regulatory authorities (SQA Accreditation and Ofqual).
- Actions required by External quality assurers not being met within agreed timescales.
- Deliberate failure to carry out delivery, internal and external assessment, internal quality assurance in accordance with the requirements of Smart Awards.
- Deliberate failure to adhere to learner registration and certification procedures.
- Deliberate failure to continually adhere to Centre recognition and/or qualification approval criteria.
- Deliberate failure to maintain auditable records, e.g. certification claims.
- Fraudulent claim for certificates.
- Persistent instances of maladministration.
- The unauthorised use of inappropriate materials/equipment in assessment settings (e.g. mobile phones).
- Intentional withholding of information from Smart Awards which is critical to maintaining the quality assurance rigor.
- Deliberate misuse of Smart Awards logo or trademarks.
- Misrepresentation of a Centre's relationship with Smart Awards and/or its recognition and approval status within Smart Awards.
- Collusion or permitting collusion in exams.
- Contravention by Centres and their learners of the assessment arrangements specified for qualifications offered by Smart Awards.
- Learners still working towards a qualification after certification claims have been made.
- Condoning plagiarism by Centre staff.
- Creation of false records.
- Impersonation of a learner for internal or external assessment.
- Cash for certificates (e.g. the selling of certificates for cash).
- A loss, theft of, or a breach of confidentiality, in any assessment materials.
- Unauthorised amendment, copying or distributing of exam papers and controlled assessments.
- Inappropriate assistance to learners by Centre staff (e.g. unfairly helping them to pass a unit, qualification, or a training course).
- Deliberate failure to adhere to the requirements of the Reasonable Adjustments and Special Consideration Policy and Procedures.
- Examples of Learner Malpractice
- Forgery of evidence.
- Plagiarism of any nature by learners.
- Collusion in an exam or controlled assessment.
- Tampering with another learner's assessment evidence.
- Not adhering to exam or controlled assessment conditions.
- Not following instructions from invigilators, examiners or Smart Awards staff during supervised exam or controlled assessments.

- Obtaining, receiving, exchanging, or passing on information relating to and during an exam or controlled assessment by talking, written paper or notes or electronic means.
- Copying from other learners during an exam or controlled assessment.
- A loss, theft of, or a breach of confidentiality, in any assessment materials.
- Destruction of another learner's work.
- Submission of false information to gain a qualification or unit.
- False ID used in the registration process.
- Making a false declaration of authenticity.
- Impersonation of a learner for an internal or external assessment.
- Disruptive behavior during an exam or controlled assessment.
- Accessing prohibited websites during an exam or controlled assessment.
- Inappropriate use of technology during assessments (e.g. mobile phone or tablet computer)
- Cheating.

EXAMPLES OF MALADMINISTRATION

21. The categories listed below are examples of Centre maladministration. Please note that these examples are not exhaustive and are only intended as guidance on our definition of maladministration:

- Persistent failure to adhere to our learner registration and certification procedures.
- Persistent failure to adhere to Centre recognition and/or qualification/training requirements.
- Persistent late learner registrations
- Unreasonable delays in responding to requests and/or communications from Smart Awards (e.g. Centre postponement of visits by External quality assurer and Smart Awards staff for more than 6 months).
- Failure to train invigilators adequately.
- Failure to ensure that assessment venues meet Smart Awards requirements.
- Inaccurate claim for certificates.
- Failure to maintain appropriate auditable records (3 years), e.g. certification claims and/or forgery of evidence.
- Withholding of information, by deliberate act or omission, from Smart Awards which is required to assure Smart Awards of the Centre's ability to deliver qualifications/training appropriately.
- Misuse of Smart Awards logo and trademarks or misrepresentation of a Centre's relationship with Smart Awards and/or its recognition status with Smart Awards.
- Failure to adhere to, or to circumnavigate, the requirements of Smart Awards Reasonable Adjustments and Special Considerations Policy.

PROCESS FOR MAKING AN ALLEGATION OF MALPRACTICE OR MALADMINISTRATION

22. Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify Smart Awards. In doing so they should put this in writing and enclose supporting evidence.

23. All allegations should include (where relevant):

- The Centre's name, address, and number.
- The learner's name and Smart Awards registration number.
- The name and position of any Centre staff member(s) involved in the case.
- Details of the Smart Awards Qualifications/Training course affected, or nature of the service affected.
- Nature of the suspected or actual malpractice or maladministration.
- Details of any initial investigation carried out by the Centre or anybody else involved in the case, including any mitigating circumstances.
- Date of the report and the informant's name, position, and signature.

24. If a Centre has conducted an initial investigation prior to formally notifying Smart Awards, the Centre should ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation. However, it is important to note that in all instances the Centre must immediately notify Smart Awards if they suspect malpractice or maladministration has occurred as Smart Awards has a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

25. In all cases of suspected malpractice or maladministration reported to Smart Awards the organisation will protect the identity of the 'informant' in accordance with the duty of confidentiality and/or other legal duty.

CONFIDENTIALITY AND WHISTLE BLOWING

26. Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. Although it is always preferable to reveal your identity and contact details, if you are concerned about possible adverse consequences you may request Smart Awards not to divulge your identity. If it helps to reassure you on this point Smart Awards can confirm that the organisation is not obliged (as recommended by the regulator SQA Accreditation or Ofqual) to disclose information if to do so would be a breach of confidentiality and/or any other legal duty.

27. While Smart Awards is prepared to investigate issues which are reported anonymously, the organisation shall always try to confirm an allegation by means of a separate investigation before taking up the matter with those to whom the allegation relates. For example, where appropriate:

- The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud).
- The courts (in connection with any court proceedings).
- Other third parties such as the relevant regulatory authority (e.g. Ofqual in England and SQA Accreditation in Scotland, Qualification Wales).

28. At all times Smart Awards will investigate such allegations from whistle blowers in accordance with relevant whistle blowing legislation.

RESPONSIBILITY FOR THE INVESTIGATION

29. In accordance with regulatory requirements all suspected cases of malpractice and maladministration will be examined promptly by Smart Awards to establish if malpractice or maladministration has occurred

and all reasonable steps will be taken to prevent any adverse effect from occurring as defined by the regulators.

30. All suspected cases of malpractice and maladministration will be passed to the CEO who will notify the Board and the regulators (SQA Accreditation or Ofqual) within 2 days.
31. The MD will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy and will allocate a relevant member of the Board, management team or a suitable independent individual to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by Smart Awards.
32. At all times Smart Awards will ensure that personnel assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter.

NOTIFYING RELEVANT PARTIES

33. In all cases of suspected or actual malpractice or maladministration, Smart Awards will notify the Board. We will only ask the Centre to investigate the matter where we have confidence that the investigation will be prompt, thorough, independent, and effective.
34. Smart Awards will notify the regulators SQA Accreditation or Ofqual of all instances of actual or suspected malpractice or maladministration linked to SQA accredited qualifications or Ofqual regulated qualifications.
35. Where the allegation may affect another awarding organisation and their provision, Smart Awards will also inform them in accordance with the regulatory requirements and obligations imposed on it by the regulator Ofqual. If the details of organisations that might be affected are not known Smart Awards will ask the regulator for help to identify relevant parties that should be informed. Smart Awards has chosen to extend the practice to all SQA Accredited provision to emphasis good practice.
36. The fundamental principle of all investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias. In doing so investigations will be based around the following broad objectives:
 - To establish the facts relating to allegations/complaints to determine whether any irregularities have occurred.
 - To identify the cause of the irregularities and those involved.
 - To establish the scale of the irregularities and whether other qualifications may be affected.
 - To evaluate any action already taken by the Centre
 - To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the qualification.
 - To ascertain whether any action is required in respect of certificates/cards already issued.
 - To obtain clear evidence to support any sanctions to be applied to the Centre, and/or to members of staff, in accordance with the Sanctions Policy.
 - To identify any adverse patterns or trends.

37. The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation.
38. Therefore, Smart Awards will:
- Ensure all material collected as part of an investigation are kept secure. All records and original documentation concerning a completed investigation that ultimately leads to sanctions against a Centre will be retained for a period of not less than five years. If an investigation leads to invalidation of certificates, or criminal or civil prosecution, all records and original documentation relating to the case will be retained until the case and any appeals have been heard and for five years thereafter.
 - Expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with the organisation.
39. Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, Smart Awards reserves the right to impose sanctions on the Centre in accordance with the Sanctions Policy in order to protect the interests of learners and the integrity of qualifications.
40. Smart Awards also reserves the right to withhold a learner's and/or cohort's, results for all the Smart Awards Qualifications' regulated qualifications or units or courses they are studying at the time of the notification or investigation of suspected or actual malpractice or maladministration.
41. If appropriate, Smart Awards may find that the complexity of a case or a lack of cooperation from a Centre means that it is unable to complete an investigation. In such circumstances the organisation will consult the relevant regulatory authority to determine how best to progress the matter.
42. Where a member of Smart Awards' staff is under investigation the organisation may suspend them or move them to other duties until the investigation is complete.
43. If Smart Awards believes there is sufficient evidence to implicate an individual/Centre in malpractice and/or maladministration it will:
- Inform them (in writing) of the allegation.
 - Provide them with details of the evidence found to support the judgement.
 - Inform them of the possible consequences.
 - Inform them that information in relation to the allegation and investigation may be, or has been, shared with the regulators and other relevant bodies (e.g. police)
 - Provide them with an opportunity to consider and respond to the allegation and findings.
 - Inform them of the Appeals policy should they wish to appeal against the decision.
44. After an investigation, Smart Awards will produce a draft report for the parties concerned to check the factual accuracy (Centres will normally receive this via Smart Awards' Centre Management).
45. Throughout the investigation the Responsible Officer will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and for liaising with and keeping relevant external parties informed.

ALLEGATIONS INVOLVING SMART AWARDS STAFF, CONSULTANTS OR ASSESSORS

46. Where allegations of malpractice and/or maladministration relate to a member of staff, consultant, or assessor of Smart Awards an investigation will be undertaken by the CEO in accordance with the investigation procedure. In cases where the allegation relates to the CEO the investigation will be undertaken by the Managing Director (MD).
47. The report will be agreed by the MD with the relevant internal managers informed and appropriate internal disciplinary procedures will be implemented, in accordance with Smart Award disciplinary policy. If an allegation is against the MD, the Chair of the Board and the CEO will investigate and agree the appropriate actions. Where allegations of malpractice and/or maladministration relate to a consultant or assessor working for Smart Awards an investigation will be undertaken by the CEO in accordance with the investigation procedure.
48. Upon the conclusion of the investigation the MD will review the outcome of the investigation in terms of the on-going contractual arrangements.
49. Investigation Report:
- After an investigation, Smart Awards will produce a draft report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned and Smart Awards.
50. The report will:
- Identify the breach of the regulatory conditions, if any, that occurred.
 - Confirm the facts of the case.
 - Identify who is responsible for the breach (if any).
 - Confirm an appropriate level of remedial action to be applied.
51. Smart Awards will make the final report available to the parties concerned and to the regulatory authorities and other external agencies as required.
52. If it was an independent/third party that notified Smart Awards of the suspected or actual case of malpractice or maladministration, the organisation will also inform them of the outcome – normally within 10 working days of making the decision – in doing so some details may be withheld if to disclose such information would breach a duty of confidentiality or any other legal duty.

INVESTIGATION OUTCOMES

53. If the investigation confirms that Centre malpractice or maladministration had taken place Smart Awards will consider what action to take to:
- Minimise the risk to the integrity of certification now and in the future.
 - Maintain public confidence in the delivery and awarding of qualifications.
 - Discourage others from carrying out similar instances of malpractice and maladministration.
 - Ensure there has been no gain from compromising Smart Awards' standards.

54. The action Smart Awards may take includes:

- Imposing actions with specified deadlines to address the instance of malpractice or maladministration and to prevent it from reoccurring. For example, by: Undertaking additional/increased visits to a Centre to provide them with a greater level of support and/or monitoring depending on their needs and performance.
- Requiring specific Centre staff to undergo additional training and/or scrutiny by the Centre if there are concerns about their ability to undertake their role in the delivery of qualifications/training offered by Smart Awards effectively.
- Not permitting specific Centre staff to be involved in the delivery or assessment of qualifications/training offered by Smart Awards (e.g. not permitting an individual to assess).
- Altering the way, and the period in which, Centres receive assessment materials from Smart Awards if there are concerns around their ability to maintain the security and confidentiality of such materials.
- Appointing independent invigilators to observe an examination (when appropriate at the Centre if there are concerns around the Centre's arrangements and/or the Centre is unable to resource particular examinations).
- Imposing sanctions on Centres – if so, these will be communicated in accordance with the Sanctions Policy along with the rationale for the sanctions(s) selected.
- Acting against a learner(s) in relation to proven instances of cheating, plagiarism, fraud, such as:
 - Loss of credits/marks for the related work/unit.
 - Disqualification from the unit(s) qualification.
 - A possible withdrawal of certification.
 - Placing a ban for a set period from taking any further qualifications with Smart Awards.
- In cases where certificates are deemed to be invalid, Smart Awards will inform Centres concerned and the regulatory authorities why they are invalid and nay action to be taken for reassessment and/or for the withdrawal of the certificates. Smart Awards will also ask the Centre to let the affected learners know the action being taken and that their original certificates are invalid and ask the Centre, where possible, to return the invalid certificates to Smart Awards. Smart Awards will also amend the internal database so that duplicates of the invalid certificates cannot be issued and the organisation expects the Centre to amend their records to show that the original awards are invalid.
- Amend aspects of the qualification assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring.
- Inform relevant third parties (e.g. funding bodies) of the findings in case they need to take relevant action in relation to the Centre.
- Carry out additional, related investigations if we suspect the issue may be more widespread at the Centre and/or other Centres.

55. In proven cases of malpractice or maladministration by a Centre, Smart Awards reserves the right to charge the Centre for any re-sits and reissuing of certificates and/or additional external Verifier visits. The fees for which will be the current Smart Awards prices for such activities at the time of the investigation. In addition, to the above the Responsible Officer will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help Smart Awards prevent the same instance of malpractice or maladministration from reoccurring. If Centres wish to appeal against the decision to impose sanctions, please refer to the Appeals Policy.

MONITORING

56. Smart Awards CEO will be responsible for monitoring the effectiveness of this policy and its linked processes. Summary reports will be submitted to enable the Board to review the effectiveness of the process and, where appropriate, monitor changes to the policy and procedures, which will be submitted annually to the Board for monitoring and appropriate action.

VALIDITY

57. Validity and the principles of equity, fairness and practicability will be reviewed with any reported malpractice or maladministration. This will include checking that the qualification is still valid and appropriate for its purpose. That it still effectively tests the knowledge, skills and behaviour as prescribed within the assessment strategy. Enable results to be trusted as a measure of what a learner knows and can do. Has a purpose and content that meets the needs of the learner and is graded in line with clear and defensible prescriptions contained in the assessment plan.

NOTIFICATION TO SQA ACCREDITATION

58. Smart Awards will notify SQA Accreditation when any cases, or suspected cases, of malpractice and/or maladministration that are linked to SQA accredited qualifications and will implement a corrective action plan to prevent further occurrence. Smart Awards Centres are required to also implement a corrective action plan where malpractice and/or maladministration is found.

59. A notification will include:

- the date on which we became aware of the malpractice and /or maladministration.
- the nature of the malpractice and /or maladministration.
- the qualification(s) affected,
- the number of Centres affected,
- the number of learners affected.
- details of any actions taken at present,
- details of and a proposed timescale and action plan.

NOTIFICATION TO OFQUAL

60. Smart Awards will notify Ofqual when any cases, or suspected cases, of malpractice and/or maladministration or a regulatory incident. Ofqual define a regulatory incident can be described as any action or event which has or may yet occur, and which has or may have the potential to cause an Adverse Effect for learners or the awarding body. A regulatory incident may therefore take the form of, but is not limited to, a breach in any of Ofqual Standard Conditions of Recognition (or other regulatory document), a security breach, the discovery of errors within a qualification or assessment materials, issues regarding the awarding of a qualification, or any other event which has the potential to cause an Adverse Effect.

61. Smart Awards will always notify Ofqual when a regulatory incident, or the potential for a regulatory incident, has been identified, in accordance with the principles or conditions of approval/recognition.

62. A notification will include:

- the date on which we became aware of the incident,
- the nature of the incident,
- the qualification(s) affected,
- the number of Centres affected,
- the number of learners affected.
- details of any actions taken at present,
- details of and a proposed timescale for any planned future actions,
- a proposal for when the regulators will next be updated on the incident.

REVIEW OF THIS POLICY

63. This policy is reviewed and revised annually in response to feedback, changes in legislation and guidance from the regulators, SQA Accreditation or Ofqual.

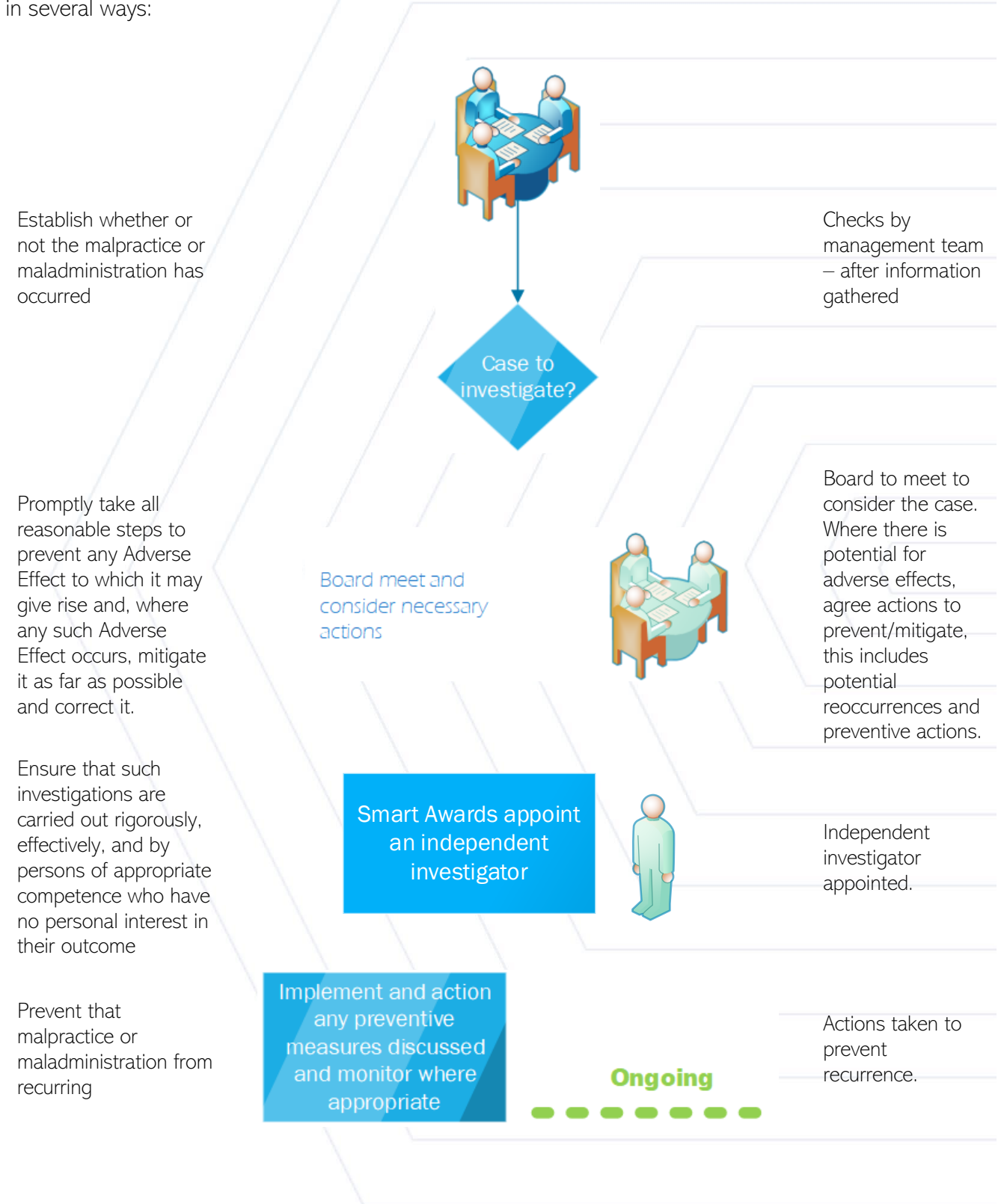
MALPRACTICE/MALADMINISTRATION PROCESS

Process Step Description	Process	Person Responsibility	Organisation Responsibility
Allegation raised with Smart Awards via SAMS	Process	Centre Manager	Centre
Log issue on risk register on SAMS	Process	Standards and Compliance Officer	Smart Awards
Arrange management meeting to discuss the relevant course of action to decide whether: <ul style="list-style-type: none"> • Is there a case • Does this require an immediate sanction? • Is this a risk to the business? 	Process	Standards and Compliance Officer	Smart Awards
Inform regulators if deemed an adverse effect	Process	MD	Smart Awards
Investigate issue and notify all parties/centres concerned and request that a written account of the circumstances surrounding the case.	Process	Standards and Compliance Officer	Smart Awards
Receive written and other evidence of the circumstances surrounding the case. Gather all information	Process	Centre Manager	Smart Awards

relating to case and the personnel involved.			
Board to review risk	Decision	Board - holds responsibility and experience to make decisions and measured risks	Smart Awards
Mitigate risk	Decision	Board - holds responsibility and experience to make decisions and measured risks	Smart Awards
Agree actions to prevent/mitigate, this includes potential reoccurrences and preventive actions.	Decision	Board - holds responsibility and experience to make decisions on appropriate action	Smart Awards
Communicate outcomes to all parties concerned	Process	MD	Smart Awards
Lessons learned	Process	MD	Smart Awards
Upload all case findings and information to relevant Centre/assessor records on SAMS complete Malpractice Log	Process	Standards and Compliance Officer	Smart Awards
Stop	End		Smart Awards

COMPLIANCE AND VALIDITY

Compliance with Smart Awards' regulatory obligations and validity of our qualification offer are maintained in several ways:



Where an awarding organisation has any cause to believe that an occurrence of malpractice or maladministration, or any connected occurrence –

(a) may affect a Centre undertaking any part of the delivery of a qualification which an awarding organisation makes available, it must inform that Centre, and

(b) may affect another awarding organisation, it must inform that awarding organisation.

Communicate
outcomes to all parties
concerned

20 Working days

Appropriate
communications,

MALPRACTICE/MALADMINISTRATION FLOWCHART

